

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

LUIS E. ACEVEDO-CRUZ,

Plaintiff

v.

ELIJIO VILLEGAS and FRANCISCO  
RODRÍGUEZ-PICHARDO,

Defendants

CIVIL NO. 09-1619 (JP)

**ORDER**

Before the Court is a motion (No. 1) filed by Plaintiff Luis E. Acevedo-Cruz ("Acevedo") wherein he claims indigence and requests leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(a). The motion to proceed *in forma pauperis* was filed on the same date as the instant complaint (No. 2) - July 6, 2009.

When a plaintiff seeks to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a), a court may dismiss the plaintiff's case at any time if satisfied that it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e). A claim is frivolous within the meaning of Section 1915(d) if it is "based on an indisputably meritless legal theory," lacking "even an arguable basis in law." Neitzke v. Williams, 490 U.S. 319, 327 (1989) (explaining that *sua sponte*

CIVIL NO. 09-1619 (JP)

-2-

dismissal under 28 U.S.C. § 1915 is warranted only if a complaint is "based on an indisputably meritless legal theory" or is "clearly baseless"). See González-González v. U.S.A., 257 F.3d 31 (1st Cir. 2001).

Plaintiff Acevedo is currently incarcerated in a correctional facility in Bayamón, Puerto Rico. He brings this lawsuit against Defendants Elijio Villegas and Francisco Rodríguez-Pichardo pursuant to 42 U.S.C. Section 1983 for unspecified violations of his civil rights. Plaintiff's sparse complaint makes it impossible for the Court to understand the details regarding the basis for his lawsuit against Defendants. In the section of the form asking Plaintiff to state his claim, wherein the instructions are listed in both the English and Spanish languages, Plaintiff only wrote one sentence fragment. Specifically, he stated "the official in charge of Security Control on August 23, 2008 - I do not know his name." (Translation ours.) The complaint does not contain any further details about the basis for his lawsuit against Defendants, nor is it supported by any further documentation or informative motions.

After thoroughly examining all allegations and arguments set forth by Plaintiff in his complaint (No. 2), the Court holds that Plaintiff's complaint does not set forth any allegations for which relief could be granted, and therefore dismissal is warranted

CIVIL NO. 09-1619 (JP)

-3-

pursuant to 28 U.S.C. § 1915(e). The Court will enter a separate judgment accordingly.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, this 27<sup>th</sup> day of July, 2009.

s/Jaime Pieras, Jr.

JAIME PIERAS, JR.

U.S. SENIOR DISTRICT JUDGE